## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Un	ited States of America,	)				
	Plaintiff,	) 8:06CR11 )				
	vs.	) DETENTION ORDER				
Ne	ri Fernando Mogollon-Sanchez,	)				
	Defendant.	,				
A.	After conducting a detention hearing pursuant to 18 U.S.C. § 3142(f) of the Bail Reform Act, the Court orders the above-named defendant detained pursuant to 18 U.S.C. § 3142(e) and (i).					
B.	<ul> <li>Statement Of Reasons For The Detention         The Court orders the defendant's detention because it finds:         X By a preponderance of the evidence that no condition or combination of conditions will reasonably assure the appearance of the defendant as required.         X By clear and convincing evidence that no condition or combination of conditions will reasonably assure the safety of any other person or the community.     </li> </ul>					
C.	C. Finding Of Fact The Court's findings are based on the evidence which was presented in court and that which was contained in the Pretrial Services Report, and includes the following:  _X (1) Nature and circumstances of the offense charged: _X (a) The crime: Illegal Alien found in US following deportation					
	maximum penalty of (b) The offense is a crime (c) The offense involves a (d) The offense involves a wit:	e of violence.				
	(a) General Factors:  The defendar  may affect wh  The defendar  The defendar	against the defendant is high. cs of the defendant including:  Int appears to have a mental condition which mether the defendant will appear. Int has no family ties in the area. Int has no steady employment. Int has no substantial financial resources.				

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				The defendant is not a long time resident of the
			Χ	community.  The defendant does not have any significant community
				ties.
				Past conduct of the defendant:
				The defendant has a history relating to drug abuse.
				The defendant has a history relating to alcohol abuse.
			X	The defendant has a significant prior criminal record.
				The defendant has a prior record of failure to appear at
		(h)	At the t	court proceedings. ime of the current arrest, the defendant was on:
		(6)	/ \t \tile \t	Probation
				Parole
				Release pending trial, sentence, appeal or completion of sentence.
		(c)	Other F	-actors:
				The defendant is an illegal alien and is subject to
				deportation.
				The defendant is a legal alien and will be subject to deportation if convicted.
			Χ	The Bureau of Immigration and Customs Enforcement
				(BICE) has placed a detainer with the U.S. Marshal.
				Other:
Χ	(4)	The n	ature an	nd seriousness of the danger posed by the defendant's
	` ,	releas	se are as	s follows:
			Prior cor	nvictions involving rape and assault on children
	(5)	Rebu	ttable P	resumptions
	` ,			that the defendant should be detained, the Court also
				ollowing rebuttable presumption(s) contained in 18 U.S.C.
		_	` '	ch the Court finds the defendant has not rebutted:
		_ (a)		condition or combination of conditions will reasonably the appearance of the defendant as required and the
				of any other person and the community because the Court
				nat the crime involves:
				(1) A crime of violence; or
				(2) An offense for which the maximum penalty is life
				imprisonment or death; or
				(3) A controlled substance violation which has a maximum penalty of 10 years or more; or
				maximum portary or 10 yours or more, or

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	(4) A felony after the defendant had been convicted of two or more prior offenses described in (1) through (3) above, and the defendant has a prior conviction for one of the crimes mentioned in (1) through (3) above which is less than five years old and which was committed while the defendant was on pretrial release.
(b)	That no condition or combination of conditions will reasonably assure the appearance of the defendant as required and the safety of the community because the Court finds that there is probable cause to believe:  (1) That the defendant has committed a controlled substance violation which has a maximum penalty of 10 years or more.
	(2) That the defendant has committed an offense under 18 U.S.C. § 924(c) (uses or carries a firearm during

## D. Additional Directives

Pursuant to 18 U.S.C. § 3142(i)(2)-(4), the Court directs that:

 The defendant be committed to the custody of the Attorney General for confinement in a corrections facility separate, to the extent practicable from persons awaiting or serving sentences or being held in custody pending appeal; and

dangerous weapon or device).

- 2. The defendant be afforded reasonable opportunity for private consultation with counsel; and
- 3. That, on order of a court of the United States, or on request of an attorney for the government, the person in charge of the corrections facility in which the defendant is confined deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED: January 30, 2006.

BY THE COURT:

and in relation to any crime of violence, including a crime of violence, which provides for an enhanced punishment if committed by the use of a deadly or

s/ F. A. Gossett United States Magistrate Judge